

**NOTICE OF PROPOSED CLASS  
AND COLLECTIVE ACTION SETTLEMENT**

*Mendez v. U.S. Nonwovens Corp.*, Civil Action No. 12-CV-5583  
United States District Court for the Eastern District of New York

**INSERT DATE**

**TO CURRENT AND FORMER NON-EXEMPT WORKERS EMPLOYED BY USN IN  
THE STATE OF NEW YORK SINCE NOVEMBER 14, 2006 WHO WERE NOT PAID A  
SPREAD-OF-HOURS PREMIUM**

This notice is to inform you of a proposed class action settlement in the case *Mendez v. U.S. Nonwovens Corp.*, Civil Action No. 12-CV-5583, pending in the United States District Court for the Eastern District of New York.

You are receiving this notice because it is believed that you worked as a non-exempt employee of U.S. Nonwovens Corp. (“USN”) and were not paid a spread-of-hours payment during the relevant time period to this class action lawsuit. This would make you a “Class Member,” only for the purpose of settlement and may entitle you to receive a money payment under the settlement.

This notice summarizes the settlement that has been reached in this class action lawsuit and explains what you must do to receive your share of the money under the settlement. You have three options:

<b>YOUR OPTIONS</b>	
<b>FILE A CLAIM FORM</b>	If you complete and mail the enclosed by _____ you will receive a portion of the settlement monies based on a formula that takes into account, among other things, the time you worked at US Nonwovens. You also give up the right to sue US Nonwovens and the individual defendants separately for violations of New York state and federal wage laws.
<b>DO NOTHING</b>	If you do nothing you will not receive any money from the Settlement. If you do nothing you will also give up the right to sue US Nonwovens and the individual defendants separately for violations of New York State wage laws.
<b>ASK TO BE EXCLUDED</b>	If you ask to be excluded you will not receive any money from the Settlement. However, you will keep the right to sue US Nonwovens separately for violations of New York State and federal wage laws.

### **1. What is the lawsuit about?**

The five employees who started this case in 2012 brought claims on behalf of themselves and other non-exempt workers. They alleged that USN violated the Fair Labor Standards Act (FLSA) and New York state law by denying them certain overtime compensation for all hours they worked over 40 hours in a week, and spread of hours pay.

USN denies that it violated federal and state laws, and claims that the workers are not entitled to the additional payments and have otherwise been properly paid all wages owed. The parties have nevertheless reached this agreement in order to resolve the claims asserted in the lawsuit without the need for further litigation.

### **2. What does the settlement provide?**

The total amount of the proposed settlement is \$1,200,000.00. Subject to court approval, one-third of the total settlement (that is, \$400,000.00) will be used to pay attorneys' fees, and an additional amount will be used to pay the costs incurred by the plaintiffs' attorneys for bringing and prosecuting the lawsuits and administering the class settlement. Incentive payments will also be made to each of the lead plaintiffs who initiated the lawsuits. The balance of the settlement fund will be distributed to individuals who submit claims to participate in the settlement.

The balance of the settlement fund will be distributed based upon the number of weeks worked for USN during the relevant class period. If the settlement is approved by the Court, only class members who submit claims will receive their settlement payments. Any remaining unclaimed funds will be returned to USN.

### **3. How can I receive a portion of the settlement monies?**

If you want to participate in the settlement and receive a check, , you must complete and sign the attached settlement claim form and mail it to the Settlement Claims Administrator in the enclosed envelope by \_\_\_\_\_. All class members who submit their claims by \_\_\_\_\_, will receive their settlement checks, assuming timely court approval. If you do not timely return the attached claim form, you will not be permitted to participate in the settlement and you will not receive a settlement payment.

### **4. How can I remove myself from the settlement?**

In order to remove yourself from ("opt out" of) the settlement, you must send a statement to the Settlement Claims Administrator in the enclosed envelope stating "I choose to opt out of the settlement." Please include your name and address on the statement. A request to opt out of the settlement must be postmarked by \_\_\_\_\_, in order to be valid.

If the Court approves the settlement, and you do not remove yourself from ("opt out" of) the settlement by \_\_\_\_\_, you waive and release all legal claims you have against USN and the other defendants in the Lawsuit that are in any way related to USN's alleged failure to

pay you certain monies under state or local wage laws, regardless of whether you receive a settlement check.

**5. How can I object to settlement?**

If you do not remove yourself from the settlement, you may make an objection to the settlement. In order to object, you must send a written statement to the settlement administrator in the enclosed envelope no later than \_\_\_\_\_, stating “I choose to object” and stating the reasons for your objection. Please include your name and address on the statement.

**6. Will there be a Court hearing?**

Yes, there will be a court hearing on \_\_\_\_\_, 2020, at \_\_\_\_\_ AM/PM in Courtroom \_\_\_\_ of the United States District Court for the Eastern District of New York, Federal Building, \_\_\_\_\_. You are free to attend this hearing but are not required to do so.

At the hearing, the Court will consider whether or not to approve this settlement. If the settlement is approved by the Court, you will be bound by the settlement unless you choose to opt-out of the settlement.

**7. How do I obtain more information?**

This notice only summarizes the lawsuit, the settlement and related matters. For more information about the settlement, or if you have any questions regarding the settlement, you may view the case documents at the courthouse clerk’s office or contact the Settlement Claims Administrator at:

Settlement Services, Inc.  
P.O. Box 1657  
Tallahassee, FL 32302-1657  
(866) 385-6216

You may also contact the attorneys representing the settlement class at:

Moser Law Firm, P.C.  
5 E. Main Street  
Huntington, NY 11743  
631-824-0200  
alejandra.silva@moserlawfirm.com